

## REMARKS

Reconsideration of this application, as amended, is respectfully requested.

This application has been reviewed in light of the Office Action of the United States Patent and Trademark Office dated December 20, 2004. Claims 1-24 are currently pending in the application. As indicated above, Claims 1-3 and 10-13 have been amended, and Claims 21-24 have been newly added. It is gratefully acknowledged that the Examiner has found allowable subject matter in Claims 4-7, 9, 14-17, and 20.

In the Office Action the Examiner has rejected Claims 1-17 under 35 U.S.C. § 112, second paragraph, as being indefinite, Claims 1, 8, 10, 11, 18, and 19 under 35 U.S.C. § 102(b) as being anticipated by *Ariyoshi et al.* (U.S. 5,930,244), and Claims 2, 3, 12, and 13 under 35 U.S.C. § 103(a) as being unpatentable over *Ariyoshi* in view of *Dean et al.* (U.S. 5,839,052).

With regard to the rejections of Claims 1-17 under 35 U.S.C. § 112, second paragraph, as indicated above, Claims 1-3 and 10-13 have been amended to overcome the Examiner's rejection under 35 U.S.C. § 112, second paragraph. Accordingly, it is respectfully requested that the rejection be withdrawn.

With regard to Claims 2, 3, 12, and 13, the Examiner takes issue with the *a starting time* of either a common pilot channel (CPICH) signal or a primary common control physical channel (P-CCPCH) signal. However, it is respectfully submitted that this term clearly indicates a start point of the respective signals, and therefore, is not indefinite.

As indicated above, the Examiner has rejected independent Claims 1, 10 and 11 under 35 U.S.C. § 102(b) as being anticipated by *Ariyoshi*. However, it is respectfully submitted that the Examiner is incorrect, as *Ariyoshi* does not teach the scrambling step as recited in these claims.

More specifically, the present invention, as recited in Claims 1, 10, and 11, teaches that a

network generates a transmission time adjustment value from a RACH transmitted by each UE, and transmits the transmission time adjustment value to a UE. The respective UE generates an orthogonal code based on the transmission time adjustment value, generates a scrambling code according to the preset time, and transmits an uplink signal. That is, the present invention enables a network to synchronize an uplink signal for receiving timings for all UEs.

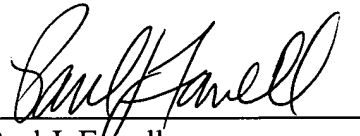
*Ariyoshi*, however, is directed to measuring UE phase information, feeding back to the UE at a Node B side, adjusting a transmission frequency phase according to the feedback information, and transmitting the uplink signal from the UE. Further, it is respectfully submitted that *Ariyoshi* makes no reference to scrambling a frame data with an orthogonal code and a scrambling code generated at a time being different from a generating time of the frame data with a scrambling code offset calculated from the transmission time adjustment value. Therefore, it is respectfully submitted that the Examiner is incorrect in rejecting independent Claims 1, 10, and 11, and it is respectfully requested that the rejection be withdrawn.

Further, it is respectfully submitted that new Claims 21-24 are also distinguishable from *Ariyoshi* for at least the reasons given above with respect to Claims 1, 10, and 11.

Without conceding the patentability per se of dependent Claims 2-9 and 12-20, they are likewise believed to be allowable by virtue of their dependence on independent Claims 1 and 11, respectively. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2-9 and 12-20 are respectfully requested.

In view of the preceding amendments and remarks, it is respectfully submitted that all pending claims, namely Claims 1-24 are in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul J. Ferrell", is written over a horizontal line.

Paul J. Ferrell

Reg. No. 33,494

Attorney for Applicant(s)

**DILWORTH & BARRESE, LLP**

333 Earle Ovington Blvd.

Uniondale, New York 11553

Tel: (516) 228-8484

Fax: (516) 228-8516

PJF/DMO/las